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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/715,681	11/17/2000	Yoav Raz	EMS-00202	4765

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EXAMINER

DADA, BEEMNET W

ART UNIT	PAPER NUMBER
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2135

DATE MAILED: 07/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/715,681	RAZ ET AL.	
	Examiner	Art Unit	
	Beemnet W. Dada	2135	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 22-28 and 41-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 22-28 and 41-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on July 03, 2006 has been entered.

Response to Arguments

2. Applicant's arguments filed July 03, 2006 have been fully considered but they are not persuasive. Applicant argues that Waldin et al (US 6,094,731) fails to teach determining physical portions of the storage device that have been modified since, a previous virus scan using information about the physical portions without using information about a file structure, a file system or a file type. Applicant further argued that Waldin fails to teach scanning ... wherein scanning is performed without using information about a file structure, a file system of a file type. Examiner disagrees.

3. Examiner would point out that Waldin et al. teaches scanning at least parts of the physical portions for viruses, wherein scanning performed without using information about a file structure, a file system or a file type [column 6, lines 43-46, column 7, lines 37-46, column 3, lines 5-45]. Waldin et al. specifically teaches scanning for viruses **regardless of the content of the sectors** [column 7, line 64 – column 8, line 8] and **regardless of the file format** [column 3, lines 40-45], which meets the claim language. Examiner asserts that Waldin et al. teaches the claim limitations and therefore the rejection is respectfully maintained.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-4, 22-25, 41-44 and 46-52 are rejected under 35 U.S.C. 102(e) as being anticipated by Waldin et al. US Patent 6,094,731 (hereinafter Waldin).

6. As per claim 1 and 41, Waldin teaches a method of scanning a storage device for viruses, comprising:

determining physical portions of the storage device that have been modified since a previous virus scan using information about the physical portions without using information about a file structure, a file system, or a file type [column 2, lines 57-64 column 6, lines 37-47 and column 3, lines 5-45]; and

scanning at least parts of the physical portions for viruses, wherein scanning performed without using information about a file structure, a file system or a file type [column 6, lines 43-46 ,column 7, lines 37-46, column 7, line 64 – column 8, line 8 and column 3, lines 5-45].

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7. As per claims 2 and 42, Waldin teaches the method as applied above. Furthermore, Waldin teaches the method, wherein the physical portions correspond to tracks (sectors) of the storage device [column 4, lines 4-8 and figure 1].

8. As per claims 3 and 43, Waldin teaches the method as applied above. Furthermore, Waldin teaches the method, wherein the physical portions correspond to sectors of the storage device [column 4, lines 4-8 and figure 1].

9. As per claims 4 and 44, Waldin teaches the method as applied above. Furthermore, Waldin teaches the method, wherein the physical portions correspond to sub-portions of the storage device [column 4, lines 4-8 and figure 1].

10. As per claims 46, 51 and 52 Waldin teaches the method as applied above. Furthermore, Waldin teaches the method, wherein said means for coupling includes means for coupling to only one storage device [column 3, lines 47-55].

11. As per claims 47-50, Waldin teaches the method as applied above. Furthermore, Waldin teaches the method, wherein said means for coupling includes means for coupling to more than one storage device [column 8, lines 20-30].

12. As per claims 22-25, the claimed steps correspond to the functions of the elements of the method claims 1-4, which has been rejected above and thus rejected with the same reason applied thereto.

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 5-7, 26-28 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Waldin et al. (U.S. Patent No. 6,094,731).

15. As per claims 5 and 45, Waldin teaches the method as applied above. Furthermore, Waldin teaches creating a table that is indexed according to each of the portions [fig 1, unit 10 and column 4, lines 4-8]. Waldin also teaches scanning for viruses when it has been determined that portions have been modified [column 4, lines 9-12], and calculating a new hash value upon determination of a modification [column 4, lines 58-60]. However Waldin does not explicitly teach setting a specific one of entries subject to a write operation. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include a method of setting a specific one of entries subject to a write operation. This would have been obvious because Waldin teaches placing identification numbers into sectors that is scanned, every time a sector is read [column 4, lines 52-58]. Based on this teachings it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a method of setting a specific one of entries subject to a write operation into the indexed sector table thought by Waldin.

16. As per claims 6 and 7, Waldin teaches the method as applied to claim 5 above. Furthermore Waldin teaches method, wherein creating the table includes copying another table provided by the storage device [column 3, lines 50-55, figure 1, originating and recipient computers].

17. As per claims 26-28, the claimed steps correspond to the functions of the elements of the method claims 5-7, which has been rejected above and thus rejected with the same reason applied thereto.

Conclusion

All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing of a request for continued examination and the submission under 37 CFR 1.114. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however,

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will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beemnet W. Dada whose telephone number is (571) 272-3847. The examiner can normally be reached on Monday - Friday (9:00 am - 5:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y. Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Beemnet Dada

July 20, 2006


KIM VU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100